

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Labour Employment Training & Factories Department – Industrial Disputes Act, 1947 – Application of Management of M/s. Panasonic Carbon India Co., Limited, Tada, Nellore District - Permission for lay off - Rejected – Orders - Issued.

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**LABOUR EMPLOYMENT TRAINING & FACTORIES (LAB-I) DEPARTMENT**

G.O.Rt.No.317.

Dated: 18-02-2011.  
Read the following:-

1. Application No PCIN/PER/2010, dt:08-12-2010 of the Deputy Manager, Production, M/s Panasonic Carbon India Company Ltd., Tada Nellore District,
2. From the I/c.Commnr. of Labour, AP, Hyd., Lr.No.L2/13241/ 2010, Dt.10-01-2011 & 18.01.2011.
3. From the I/c.Commnr. of Labour, AP, Hyd., Lr.No.L2/13241/ 2010, Dt.11-02-2011.

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**ORDER:**

The Management of M/s Panasonic Carbon India Company Ltd., Tada, Nellore District, in their Letter 1<sup>st</sup> read above has submitted application to the Commissioner of the Labour Andhra Pradesh, Hyderabad for permission to Lay-off of 109 workmen out of 120 workmen with effect from 24-01-2011 to 10-03-2011 under the provisions of section 25 –M of Industrial Disputes Act., 1947 on the following Grounds:

- 1) Accumulation of Stocks.
- 2) Lack of sales as the sales of the product of manufacturing is decreasing from 2009 to till date.
- 3) The number of affected workmen due to lay-off is 109 out of 123.
- 4) During the period of lay-off for a period of 3 months w.e.f. 24-01-2011 to 10-03-2011 payment of 50% basic & D.A. will be paid.
- 5) The following illustrations/Judgments are in favour of their plea for permission of lay-off.
  - a. Hindustan Motors Ltd Vs. State of West Bengal (2000-I-LLJ Page No.903).
  - b. SAE Mazdoor Union Vs. Labour Commissioner, Indore and other (2002-I-LLJ Page No.791).
  - c. Satya Prakash Giri & Others Vs. Presiding Officer, Industrial Tribunal, Haryana & another (1995-I, LLJ Page No.437)

2. The Commissioner of Labour, Andhra Pradesh, Hyderabad in the reference 2<sup>nd</sup> read above has reported that in accordance with Section 25-M(1) of the Industrial Disputes Act, 1947, the permission for lay-off shall be granted to an industry other than a mine only on the grounds of shortage of power or natural calamity. Hence, the above grounds submitted by the Management are not valid grounds to grant of permission to declare lay off.

3. The Commissioner of Labour, Andhra Pradesh, Hyderabad in the reference 3<sup>rd</sup> read above has further submitted that the Joint Commissioner Labour (FAC) Guntur, has reported that the Management got 100 workers retired by introducing VRS in 2007 and that the Management suspended the President and Joint Secretary of the Union recently and retrenching the regular employees with an intention to compensate by engaging contract workers and also to shift their business to the other State leading to unfair labour practices and also reported that the Union is against the proposed Lay-off.

4. The Government after careful examination hereby rejected the request of the Management of M/s Panasonic Carbon India Company Ltd., Tada, Nellore District, for permission for Lay-off of 109 workmen out of 120 workmen with effect from 24-01-2011 to 10-03-2011 under the provisions of section 25 –M of Industrial Disputes Act., 1947 and consequentially lay-off if any declared, shall be treated as illegal lay - off.

(PTO)

5. The Commissioner of Labour, Andhra Pradesh. Hyderabad shall take necessary action accordingly and send the compliance report to the Government immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D. SREENIVASULU,  
SECRETARY TO GOVERNMENT

To

The Commissioner of Labour, (I/c), A.P. Hyderabad.

Copy to:

The Joint Commissioner of Labour (FAC), Guntur.

The Managing Director, M/s Panasonic Carbon India Company Ltd.,

Tada, Nellore District (through Commissioner of Labour, A.P. Hyderabad.)

The General Secretary, Panasonic Carbon India Company Karmik Sangh,

Tada, Nellore District (through Commissioner of Labour, A.P. Hyderabad.)

P.S. to M(LET & F, ITIs)/P.S. to Secretary/P.A to Joint Secy.

SF/SC

// Forwarded :: By order //

SECTION OFFICER